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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,887	09/15/2003	Herbert Lange	82145	1147

7590 06/20/2005

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,887

Applicant(s)

LANGE ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040329.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 8-12, 14, and 19-22 are objected to because of each of those claims appears to recite the same subject matter in claims 1-5, 7, and 18-18. The objection to the claims are based on the apparent redundancy of claiming the same subject matter earlier claimed.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 4, 6-8, 11, and 13-14 are rejected under 35 U.S.C. 102(b) as being unpatentable over Sevcik et al. (US 5,655,312) in view of Martin et al. (US 5,914,074). Sevcik is considered to disclose the claimed invention comprising:

an apparatus **2** for curing radiation curable coatings, which has at least one irradiation chamber **6** provided with a plurality of UV radiation sources **16**, wherein a plurality of UV radiation sources are arranged close to one another and interconnected to form one or more irradiation modules, the illuminance inside an irradiation module and/or between at least two irradiation modules being spatially variable (please see column 2 lines 15-27 wherein the disclosed reflector structure is consider to anticipate the claimed spatial variability because both perform the same function, in the same manner with the same result). Sevcik is also considered to disclose the claimed ventilation system **4**. Sevcik is considered to disclose the claimed invention, except for the feature of spatial variability in such a way that at least one irradiation module is

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capable of movement about at least one of its axes. Martin, another apparatus for curing coatings, is considered to disclose spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes at column 7 line 66 through column 8 line 11. It would have been obvious to one skilled in the art to combine the claimed invention of Sevcik with the spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes, considered disclosed in Martin for the purpose of varying UV light intensities.

Claims 2, 5, 9, 12, 15-16, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Martin. Sevcik in view of Martin is considered to disclose the claimed invention, as discussed above under the obviousness rejection, except for the claimed wattage and reflector angle. It would have been an obvious matter of design choice to claim a specific wattage or reflector angle, since the wattage and angles claimed are not considered patentably distinct from the wattage and angles taught in the prior art cited in this application.

Claims 3, 10, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Martin in further view of Rudd et al. (US 5,634,402). Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed spectrum. Rudd is considered to disclose the claimed spectrum at column 4 lines 50-55. It would have been obvious to one skilled in the art to claim a specific spectrum for the purpose of optimizing the radiation curing coating of an object.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5 and 7-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/729,797 in view of Martin. The copending application claims the same features of the present application, except for the obvious variation of spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes. Martin is considered to obviate the claimed invention, as discussed above under the first obviousness rejection.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

Applicant's arguments filed May 19, 2005 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
June 13, 2005

